



Meeting Minutes

BOARD OF SUPERVISORS, COUNTY OF MONO

STATE OF CALIFORNIA

Regular Meetings: The First, Second,
And Third Tuesday of each month

REGULAR MEETING
August 7, 2007

County Courthouse
Bridgeport, California 93517

9:00 a.m. Meeting called to order by Chairman Hazard

Pledge of Allegiance led by Supervisor Farnetti

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

BOARD MEMBER REPORTS

Supervisor Reid reported on the following issues and activities:

1. On the 18th, he met in Walker with the CAO, Ed Zylman, and Colonel Hall to discuss daycare needs due to many new families (civilians and enlisted people) moving into the area.
2. Attended Brianna Cummings wedding on the 21st; her parents are Dorothy and Gary Cummings (Gary was the previous assistant sheriff).
3. On the 28th, was the emcee at Betty May's retirement party. There were some last-minute planning glitches that the CAO and Rita Sherman helped resolve. Betty May retired from the Assessor's Office after having worked for Mono County for 38 years; the Assessor didn't come to the party.
4. Met with two ladies in Walker on Thursday regarding the thrift shop portion of the senior center. Reid said they would like to meet with him, the CAO and Brian Muir to discuss help with their problems. On the same night, attended the Antelope Valley RPAC; there was a good turnout.

Supervisor Hunt reported on the following issues and activities:

1. Attended the Town-County Liaison meeting on July 19th. The Town asked for more County support for the Fisheries Commission, but after the discussion, decided not to provide additional support. Regarding the track and soccer field at Whitmore Park, there may be outside funding for this project. The discussion included an update on the hospital land exchange, an update on affordable housing (there is a meeting Thursday night with Mammoth Lakes Housing), and an update on the public safety dispatch system (there is an idea about developing a regional approach to dispatching. The next Town-County Liaison meeting is on Thursday August 16th).
2. On July 24th, met with the Chamber of Commerce and had a good dialogue; facts and figures provided by the County were well received.
3. Attended the Sierra Conservancy meeting in Truckee on July 25-26. They discussed program and grant guidelines. Currently accepting grants and will review applications in 30-60 days. Final submissions from this area will go through a subcommittee that will oversee the public process and take suggestions to the board.

4. Attended a land tenure meeting; property at the southern boarder of the County is under consideration for a trade or for development. There will be more meetings in the future.
5. The CSAC meeting is scheduled for November 13-16.
6. Received a call yesterday from the Conservation Leaders Network about global warming (they are based in Oregon). They are informed about CSAC's paper concerning global warming, and will review it. There is a need to disseminate information to counties; the idea is to see if counties can take action locally.

Supervisor Bauer reported on the following issues and activities:

1. CSAC is doing a lot of good work; Bauer said she plans to propose serious changes and build policy, and asked the Board if they want to be informed in advance about her direction. Supervisor Farnetti suggested agendizing this item; Bauer said she will discuss this at the August 21st meeting. She said the government has already legislated some benchmarks, but agreements are not complete, so now is the time to be involved in the process.
2. Attended the ESTA meeting on Friday; things are going well and they are making progress. They are at the point of putting together a subcommittee to hire an executive director.
3. The YARTS meeting was held in Mono County; there was a good turnout. Sandy Hogan (Bauer's new appointee) is doing a great job.
4. Attended the Mammoth Lakes Chamber of Commerce meeting, it went well. Bauer said she will join the Chamber.
5. The Wednesday telephone conference of the Gateway Partners Steering Committee went well; the ideas were presented the next day in Yosemite and were somewhat well received.
6. Met with Kelly Garcia at the June Lake Community Center and ball field. They seem to have worked through how to resolve a list of issues, such as deferred maintenance. Public Works and Planning need to be more involved with how things happen.
7. There is no public support for a dog park in June Lake, but people are playing ball twice a week now. In order to meet the needs of little league, however, the ball field requires a pitching mound and lines. The Town provides this service for their area, but in the County these improvements are done by coaches and the little league. There seems to be a gap in understanding about services provided by the Town and the County. Kelly Garcia will oversee maintenance, but can't make improvements as required by the little league.
8. Toured the aqueduct system with the Mono Lake Committee; it was an enlightening visit.
9. Attending the visioning process tomorrow (for June Mountain) with some people from the Mountain.

Supervisor Farnetti reported on the following issues and activities:

1. Went to Europe and visited five countries; hadn't seen family in Austria for many years so spent time with them. The weather was OK but they were having a heat wave; all but two hotels were without air conditioning. Overall it was a great visit.
2. Met with Dave yesterday and was brought up to date about County issues. Thanked the Board for taking care of business during his absence.

Chairman Hazard reported on the following issues and activities:

1. Met with Public Works and Planning on the 18th regarding a project in Chalfant; the project is no longer feasible due to the downturn in the market and the amount of mitigation required.
2. Met with Dan Lyster and others to discuss a letter of request and set up a meeting with fish and game regarding their relationship with the County.
3. Met with Dave and others on the 23rd to discuss court issues and moving the project forward; will meet again tomorrow afternoon.
4. Attended the Swall Meadows community meeting on the 23rd; discussed plan updates. The biggest issue is a request to partner with the fire department to consider developing a stand-alone meeting room. Meetings and activities have increased to the point that the current location is no longer adequate.

5. On the 25th met with several people about today's agenda item regarding the recreational land designation.
6. Attended the Crowley Lake RPAC meeting on the 25th. The community discussed several issues: the ball field, landscaping for the community center, and the closure of Hot Creek, which has caused tourists to try and find the tubs. As a result, fields and meadows are becoming damaged. There is real pressure to open Hot Creek since it is more suitable to business traffic.
7. Attended CPT on the 26th; not many people were there so not much was accomplished except discussion. Since many agencies are currently doing reviews, they considered bringing plans together into a regional plan.
8. Had a conference call on the 31st regarding the Chalfant visioning process. Will report more information to CalTrans and the Board.
9. Met with BLM and CalTrans regarding 160 acres on Highway 6. Chalfant is reluctant about participating in the land tenure process; they would rather see development.
10. Held office hours in Benton on the 3rd. Two units in the paramedic system broke down; one unit is no longer operable so Benton is without service.
11. Had a conversation with Dana from Senator Cox's office about the Verizon issue, and the problems with linking on the north end of the County. His office is willing to look at the issue and help the Board solve the problems. Dana asked about economic impacts to Mammoth over this past winter; Hazard referred this to Supervisor Bauer to talk about needed support.
12. Will not be able to attend the management meeting or agenda review meeting tomorrow.
13. Distributed information to the Board from the CPT meeting.

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (**David Wilbrecht**)
ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht, CAO, reported on the following issues and activities:

1. Met with Colonel Hall in Walker to discuss the need for childcare services; they talked about the possibility of collaborating with the County. Will talk with Kathy Peterson (First 5), and will meet with someone from the base about the possibility of improving existing resources/facilities. There are 50-75 children on the base, plus those in the community needing childcare.
2. Went to Bishop with Supervisors Reid and Hazard, and Ed Zylman, to meet with Inyo County about IMAAA, which serves all of Inyo and Mono Counties, and functions under Inyo County (human resources and payroll). Mono County wants to improve overall operations, and has suggested assuming oversight for various positions that serve Mono County. The transition will take many steps with Inyo County; they are receptive and realize they are too far away from Walker. They plan to have a closed session with their board and IMAAA to sort out problems (funding is about \$175,000 short, and they have asked Mono County for financial assistance).
3. Moving forward with the Sierra Center Mall improvements on the 2nd and 3rd floors.
4. Dealing with several personnel issues; working a lot with the Assessor's Office. The Assessor is in the office only a minimal number of hours, and is not working on Mondays or Fridays; currently residing in Nevada.
5. Working with Brian Muir regarding budget strategies; moving forward based upon the Board's desires expressed at the July 24th meeting.
6. Mammoth Lakes Housing has once again requested that the Board consider their \$20,000 request. This item was put on the agenda for the Board to consider whether or not they want to participate based on a new strategy.
7. North County Facilities Committee will be merged into overall planning.

8. Had a Novus software demonstration last week; this should be installed in about 90 days.
9. After the Board approved the purchase of the exchange parcel, met with the Town, Hospital, and Court to discuss the location of the Courts building. This is still under discussion; will provide updates as the project progresses.
10. Expressed appreciation to the Board for taking time to hold a special meeting in July. The meeting with the Chamber which followed was very beneficial.

2a)
M07-183

APPROVAL OF MINUTES

Regular meeting of July 3, 2007, as amended.

(Bauer/Hunt, 4-0; Reid absent)

- Page 2, Item 1: Supervisor Reid amended his comment regarding the LTC meeting; he could not attend the meeting because he had to take a friend to Lake Tahoe (read into the record by Chairman Hazard).
- Page 6, Item 11b: Chairman Hazard asked to have the amount of the temporary budget included (\$44,841,637).

2b)
M07-184

Regular meeting of July 10, 2007, as amended.

(Bauer/Hunt, 3-0; Farnetti abstain, Reid absent)

- Page 3, Item 1(4): Supervisor Reid amended the last sentence, "Supervisor Reid said flyers went out for a site coordinator, but the **time frame** was too brief" (read into the record by Chairman Hazard).
- Page 7, Item 6b: Chairman Hazard referred to **830** peace officer positions (not A30).

2c)
M07-185

Regular meeting of July 17, 2007, as amended.

(Hunt/Bauer, 3-0, Farnetti abstain; Reid absent)

- Page 1, Item 2: Correct spelling—Senator **Reid**.
- Page 2, Supervisor Bauer's report item #2: Delete second sentence.
- Page 2, Supervisor Bauer's report item #5: Correct spelling—Mike **Tollefson**.
- Page 7, Item 7: Correct "Councilmember" Reid to **Supervisor Reid**.
- Page 9, Item 8 second paragraph: Correct "Councilmember" Reid to **Supervisor Reid**.
- Page 13, third paragraph from the bottom: "Supervisor Bauer agreed that blood alcohol tests would prove Lovett's sincerity, **but need to be done early in the day.**"

CLOSED SESSION

Adjourned for closed session from 9:09 a.m. through 9:35 a.m.

- 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9. Number of potential cases: one.

Break from 9:35 a.m. through 9:45 a.m.; reconvened at 9:45 a.m.

DEPARTMENT REPORTS/EMERGING ISSUES

Christy Robles, Assistant Clerk of the Board, reported on the following:

1. Updated the Board about the decertification and recertification from the Secretary of State regarding voting equipment (a detailed report is on file in the Clerk's Office). Mono County uses the Sequoia touch screen and optical reader; both are considered by the Secretary to

be one system, and as such have been decertified until conditions are met. Sequoia claims they can meet the conditions. County Counsel has been notified about this situation; Robles said she will keep the Board updated. Supervisor Hunt asked if there are any documented cases of hackers. Robles said the Secretary conducted an experiment, but the conditions did not resemble actual poll situations. There are many safeguards in place during the election to make sure this doesn't happen. The Sequoia system was previously approved and the prior Secretary of State had recommended it. Robles reiterated that the Sequoia engineers have said they can meet the conditions, in which case the County will hold elections as usual.

Brian Muir, Finance Director, reported on the following:

1. Actively working on complying with GASB 45 (retiree benefits). Currently gathering statistics to get a quote on an actuary study; will bring information to the Board in the near future. Don't have to comply until next fiscal year, but moving forward now helps with financing.
2. Asked the financial advisor to talk with a number of lenders about the closing of the land exchange; will shop for the best rate.
3. Based on prior Board approval authorizing the hiring of an auditor to audit special districts, contacted an auditor used by Inyo County. His quote is \$15,000 (less than the amount approved by the Board); plus for \$3,000, he will do the Lee Vining PUD if Lee Vining is interested.
4. Planning to close the County's books today for the past fiscal year, so the Board will essentially be looking at actual numbers during the upcoming budget meetings. The Board will get a budget book next week.

Evan Nikirk, Public Works Director, reported on the following:

1. Distributed an organizational flow chart and list of responsibilities for informational purposes (on file in the Clerk's Office). The Board will see this again during the budget process. There are currently a few vacant positions for which the department is recruiting.
2. Regarding emergency generators, there is an active generator at the Walker Center and three others will be operational by the end of the week (another generator in Walker and two in Bridgeport). Generators will be installed at June Lake and Benton by the end of the month.
3. The forest service has issued a use permit for the road extension in Mono City; construction should be completed by the end of the summer.

Mark Mikulicich, Emergency Medical Services, reported on the following:

1. The Emergency Medical Care Committee, which addresses EMS issues and makes recommendations, met with representatives from Mammoth Hospital, physicians, citizens, Dr. Johnson, and Supervisor Hazard to consider a presentation by Golden State Air Ambulance—a fixed wing air evacuation service. They want to provide service to the region and are asking for an endorsement. Sierra Life Flight is currently the only approved service and opposes the additional service. If Golden State gets approval, they could place a plane anywhere in the region, so there is some potential competition. However, Golden State does not want to compete directly; at this time they provide back-up service to the Hospital. This is mostly a Hospital issue and does not affect the paramedic program directly. EMCC agreed to table the issue and review statistics from Mammoth Hospital about their use of air services. Sierra Life Flight has letters of support for their position, including a letter from Rusty Gregory of Mammoth Mountain (which subsidizes Sierra Life Flight). Rusty asked EMCC to look at the long-term situation. Dr. Johnson said "more is not necessarily better," and the area needs a service that will be sustainable. Sierra Life is close to purchasing another airplane. The recommendation will probably be not to grant approval but continue to use Golden State as back-up; they will have to see what the Hospital and others decide. Chairman Hazard asked Mark to keep the Board informed.

Dan Lyster, Economic Development, reported on the following:

1. The Conway Ranch pipeline is being constructed. The culvert had been installed and road improvements completed, and fish are being planted. Had a good interview with the radio station about the project.

CONSENT AGENDA

(All matters on the consent agenda are to be approved in one motion unless a board member requests separate action on a specific item)

Supervisor Bauer requested to pull Item #7b.

PUBLIC HEALTH

- 4) Immunization Registry Contract for FY 2007-08
M07-186 **ACTION:** Approve Agreement #07-65285 with the State of California Department of Health Services for Immunization Registry Implementation and funding for FY 2007-2008, and authorize the Public Health Director to sign contract and contract amendments.
(Hunt/Farnetti, 4-0; Reid absent)

VETERAN SERVICES

- 5) Certificates of Compliance
M07-187 **ACTION:** Approve and authorize Chairman's signature on the Subvention and Medi-Cal Certificates of Compliance for 2007-2008 fiscal year.
(Hunt/Farnetti, 4-0; Reid absent)

COMMUNITY DEVELOPMENT

- 6) Planning Consulting Contract
M07-188 **ACTION:** Approve and authorize the Chair's signature on the contract for planning services for FY 07-08 with Laurie Mitchel, planning consultant.
(Hunt/Farnetti, 4-0; Reid absent)

BOARD OF SUPERVISORS

- 7a) Thank-you Letters to Entities for Services Rendered during the Larson Lane Fire
M07-189 **ACTION:** (1) Board Chair sign thank-you letter to the Lions Club for the spaghetti dinner they provided during the fire. (2) Board Chair sign thank-you letters to Sierra Pacific Power and Verizon for their services during the Larson Lane fire.
(Hunt/Farnetti, 4-0; Reid absent)
- 7b) Planning Commission Appointment
M07-190 **ACTION:** Approve the appointment of Dan Roberts to the Mono County Planning Commission.
(Bauer/Hunt, 4-0; Reid absent)

Supervisor Bauer said Ron Black has stepped down from the Planning Commission, and she is pleased to appoint Dan Roberts. He attends the meetings regularly, supports the plan, and is doing a good job. Plus he is part of the June Lake Coalition, and is familiar with all sides of the issues. Bauer introduced Roberts to the Board. Roberts said he is honored by this nomination and is excited about serving the County.

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)				
All items listed are available for review and are located in the Office of the Clerk of the Board				
#	Received	Dated	From	Subject
8)	7/20/07	7/19/07	Dorothy Burdette	(1) "People mover" over 158 (2) Dog park in June Lake
Chairman Hazard said his general policy is to not read letters into the record because the Board will receive hundreds of letters at times. Supervisor Bauer said if a constituent sends correspondence addressed to the Board as a whole, it will be put on the agenda. Hazard acknowledged receipt of the letters.				

BOARD OF SUPERVISORS

- 9) Certificate of Appreciation to Carolyn Webb
ACTION: Present Certificate of Appreciation to Carolyn Webb for her volunteer efforts since the creation of the Fisheries Commission in April 2003.

Dan Lyster, Economic Development, said Carolyn has been the secretary for about 4 years, and has done a great job. She was acknowledged separately by the Fisheries Commission, but he thought it was appropriate for the Board to also acknowledge her service. Chairman Hazard said the Board appreciates all the effort and time Carolyn put into the Fisheries Commission. Supervisor Hunt said because of Carolyn, the Board has been able to keep up. Hazard read the certificate.

ECONOMIC DEVELOPMENT & SPECIAL PROJECTS

- 10) Expenditure of Funds from Fish & Wildlife Propagation Fund (**Dan Lyster**)
M07-191 ACTION: Approve the expenditure of up to Seven Hundred and Fifty Dollars (\$750.00) from the Fish and Wildlife Propagation Fund (a/k/a Fish and Game Fine Fund) for fifty percent (50%) of the cost to purchase a lap top computer, printer and software for use by the Secretary of the Inyo-Mono Fish and Game Advisory Commission.
(Bauer/Hunt, 4-0; Reid absent)

Dan Lyster said the Fisheries Commission voted to approve this request, and the Inyo board also approved the same expenditure. The money is not coming out of the general fund; the fine fund will be used and it has about \$17,000-18,000 remaining. He recommended approval.

DEPARTMENT OF FINANCE

11) Consider Possible Action to Appropriate \$20,000 for Mammoth Lakes Housing (Brian Muir)

ACTION: Give direction to Director of Finance regarding possible contribution to Mammoth Lakes Housing as requested for Fiscal Year 2006-2007.

Brian Muir, Finance Director, outlined the history of this request:

- The Board considered a contribution of \$20,000 during the 2006-07 budget process and chose not to contribute.
- This issue was raised again at the Board's meeting of July 3rd, and the Board chose not to contribute.
- Muir notified the Town; the issue was discussed at the Town-County Liaison meeting, and they decided to ask again for Board consideration. They believe they have done work that warrants this payment.

Board Discussion

Supervisor Hunt explained that the services were provided to the County in the 2005-06 budget year, and apparently the costs exceeded payment so this \$20,000 is to reimburse Mammoth Lakes Housing for those costs. In the future, the County will work on a fee-for-service basis; Hunt suggested approving the reimbursement with this understanding. Marshall Rudolph, County Counsel, said the County cannot legally pay for services already rendered, unless there is a contract for those services.

Supervisor Bauer said even though the Board didn't approve the request at the last budget, they did not communicate well that the situation had changed. Supervisor Hunt said there was an assumption made by MLH that they would receive the \$20,000 again since they had gotten it in previous years. Bauer suggested building this fee (or a portion of it) into a new contract. Hunt pointed out that the County needs to maintain a good relationship with MLH. Supervisor Farnetti said he wasn't clear what services they provided to the County, and couldn't support the request without an invoice; he wants to support MLH but the Board needs to be careful how it approves these requests. Hunt said MLH provided a list of services for that period. Marshall Rudolph said if the Board wants to pay some amount for the past invoice, they can do so as a one-time payment under an agreement for prospective services. David Wilbrecht, CAO, said if the Board wants to provide the \$20,000, or another amount, they should direct staff about how they want this put into contract form.

Regarding the idea of funding the County's own housing authority, Scott Burns, Community Development, said both boards are interested in working on common visioning; there may be money available to hire a consultant to work with both bodies, which could share resources and deal with regional issues.

Farnetti said he is not opposed to paying this amount as long as the Board has an invoice. Chairman Hazard said the \$20,000 seems to have become viewed as an entitlement; he expressed concern about being billed after the fact. A future agreement needs to be more specific about programs; he supported a new contract, but not a retroactive payment.

Marshall Rudolph said it sounded like three Board members support the concept of legally incorporating compensation into a future contract; he asked what the amount should be. Supervisor Bauer suggested building a contract with a \$20,000 initial payment, and including a \$20,000 retainer. She doesn't want MLH to do things they are not asked to do.

Rudolph said he will draft a contract for further consideration. Brian Muir, Finance Director, said the 2007-08 budget will reflect \$40,000 for Mammoth Lakes Housing. Supervisor Bauer asked if the Housing Authority should review the contract. Rudolph said the Housing Authority can provide input, but the contract needs to be approved by the Board; he can create a role for the Housing Authority in the contract. Supervisor Hunt said this item is on the MLH agenda for this Thursday; he asked how he should report. The Board said they could support the contract as proposed by County Counsel.

COUNTY ADMINISTRATIVE OFFICE—HUMAN RESOURCES

- 12a)** A Resolution Approving Employment Contract with Garrett Higerd (**Robert Garret**)
R07-52 **ACTION:** Adopt **Resolution R07-52**, "A Resolution of the Mono County Board of Supervisors Approving an Employment Agreement with Garrett Higerd and Prescribing the Compensation, Appointment, and Conditions of Said Employment."
(Hunt/Bauer, 4-0; Reid absent)

Robert Garret said the County has been short one fully licensed engineer for about 2 years. This 3-year contract fills the position of professional associate engineer, and brings the technical staffing in Public Works to 100%. He recommended approval. Supervisor Farnetti said he is pleased with filling this position.

- 12b)** A Resolution Approving Employment Contract with Robert Musil (**Robert Garret**)
R07-53 **ACTION:** Adopt **Resolution R07-53**, "A Resolution of the Mono County Board of Supervisors Approving an Employment Agreement with Robert Musil and Prescribing the Compensation, Appointment, and Conditions of Said Employment."
(Farnetti/Hunt, 4-0; Reid absent)

Robert Garret said this action amends Robert Musil's contract due to various issues in the Assessor's Office. It adjusts the at-will provision so any action requires concurrence of the CAO. The contract also gives the CAO the ability to approve requests for professional development and Musil's attendance at conferences. Supervisor Bauer supported this effort to help with the department.

- 12c)** A Resolution Approving Employment Contract with Kathleen R. Cage (**Robert Garret**)
R07-54 **ACTION:** Adopt **Resolution R07-54**, "A Resolution of the Mono County Board of Supervisors Approving an Employment Agreement with Kathleen R. Cage and Prescribing the Compensation, Appointment, and Conditions of Said Employment."
(Hunt/Farnetti, 4-0; Reid absent)

Robert Garret said this is a short-term contract with professional engineer, Kathleen Cage. The contract period is August 7 through November 23. Cage provides the professional credentials needed to help with the backlog in current inspections. There are no benefits included and the billable rate is \$75 per hour, plus a rate for use of a vehicle; the hours worked will be no more than 40 and no less than 30 per week.

Break from 11:14 a.m. through 11:21 a.m.; reconvened at 11:21 a.m.

COUNTY COUNSEL & COMMUNITY DEVELOPMENT

- 13) Addressing Fire Hazards Caused by Overgrown or Dry Vegetation (**Stacey Simon, Nick Criss, Scott Burns**)
ACTION: (1) Conduct PowerPoint workshop regarding options for causing the removal of overgrown or dry vegetation which constitutes a fire hazard within Mono County. (2) Provide any desired direction to staff.

Scott Burns, Community Development, gave a PowerPoint presentation; he highlighted the following:

- This is a progress report to follow-up on the Board's prior direction regarding a weed abatement ordinance.
- Staff reviewed existing regulations and the County can use the nuisance ordinance and administrative citation ordinance to address this issue.
- The nuisance ordinance is a very lengthy process (two months minimum); if a nuisance is determined to exist, the County has the ability to abate the problem.
- The administrative process is more streamlined: a courtesy warning is given prior to a citation; there is no abatement authority, the County relies on the property owner to fix the problem.

Stacey Simon, County Counsel, said staff came back to the Board with this item because there seemed to be some hesitancy on the part of the Board about adopting a weed abatement ordinance, and some reluctance about having the County enter onto private property in order to abate the problem. She reiterated that existing ordinances can address the problem with weeds. A weed abatement ordinance would combine features of the two existing ordinances (nuisance and administrative citation). The primary function of a weed abatement ordinance is to go onto private property and cut down the weeds. The existing regulations can accomplish the purpose; however, if this were to become too cumbersome, the third option would be to adopt a weed abatement ordinance.

Burns said there is a need to educate the public. He also said they have the tools to deal with private land, but there are issues with adjacent public land. In addition, the County needs to coordinate with fire districts in determining that a hazard exists. He reviewed the options: use the citation and nuisance processes; make minor additions to current regulations; or adopt a new ordinance. He suggested using the nuisance process for now until they can use the citation process more effectively by collaborating with fire districts. Public agencies will need to be approached about the problem with public land.

Board Discussion

Supervisor Hunt said taking two months to go through the nuisance process seems too slow. Simon said the administrative citation procedure is quick: there is a citation given so the owner acts. There is no way to speed up the nuisance procedure, nor will a weed abatement ordinance be any faster since the property owner has a right to a hearing and 30 days to abate.

Comment from the audience: The administrative citation has an advantage because it is immediate and more severe. The fire chiefs would like to have a tool, and are ready to proceed with test cases.

Nick Criss, Code Compliance, said cooperation between his department and the fire chiefs is a necessity; the department will need their expertise to determine fire hazard. Chairman Hazard agreed. He also said the County needs to work with citizens on voluntary corrective actions because some weed problems are caused by a wind event. The issue of absentee homeowners is a problem too. Hazard supported working within the existing codes.

Burns said if they use the nuisance process, then Board action on a situation will set a precedent for staff to follow. He also said the Antelope Valley Fire Chief is willing to work with the County. Hazard said partnering the County with the chiefs will provide an effective team effort. Supervisor Farnetti also agreed that the County has the tools currently to address issues, and it is critical to work with fire chiefs and get their cooperation. The problem can be addressed in an effective and timely manner as long as they work together; however, the County may have to provide resources to smaller fire districts. Mark Mikulovich, EMS, said his department can help with manpower issues and relationships with the fire districts.

Tony Dublino, The Sheet, said Mono City Fire Department purchased a chipper/shredder for the public to use, and suggested a similar approach in the County. Simon said about 90% of the public will comply after receiving a warning, so the two processes will serve the end need. If problems continue and people don't comply, staff may need to come back with a weed abatement ordinance. Supervisor Hunt said the most important aspect is the collaborative effort. In the past, Mammoth made a chipper available for public use and it worked.

Chairman Hazard thanked staff for researching this issue and providing options using existing regulations.

COMMUNITY DEVELOPMENT & COUNTY COUNSEL

- 14) Proposed Housing Mitigation Ordinance Appeal, Integrity Equities Group (Mammoth Self Storage in Sierra Business Park). The appeal requests reduction of employee generation factor for subject proposal. **(Larry Johnston, Mark Magit)**
M07-192 **ACTION:** Grant the appeal of Integrity Equities Group to the projected housing mitigation requirements for the development of the Mammoth Self Storage project in the Sierra Business Park.
(Hunt/Bauer, 4-0; Reid absent)

Larry Johnston said the housing mitigation ordinance is about a year old, and this is the first appeal to the requirements. He outlined the following details:

- Non-residential developments are subject to the ordinance based on full-time equivalent employees, which varies depending on the type of use. This particular use falls in the storage/warehouse.
- The ordinance allows for an appeal if a developer believes the mitigation shouldn't apply. The appeal has to be based on substantial evidence and good cause; the Board of Supervisors can then waive the requirement.
- The proposed project consists of a 70,000 square-foot mini storage in five buildings; a 900 square-foot office; and caretaker units on the property. Under the mitigation ordinance, three housing units are required; the cash equivalency is \$837,540. The developer has proposed two caretaker units; the cash equivalency is \$410,000.
- They are claiming the on-site housing mitigates the housing requirement since only two employees are needed to operate and maintain the property. Typically, operations of this kind have one primary caretaker and one part-time relief. The facility will have on-site management, which increases the security.
- Staff has not taken a position, but because of the type of facility proposed, there may be fewer employees than other businesses.
- A modification needs to be approved by the Planning Commission to allow for additional caretakers on site.

Board Discussion

Supervisor Farnetti asked if other businesses have caretakers. Johnston said the Morgan project is building two units. Chairman Hazard asked if the modification should be made before considering this appeal. Johnston said this action has a more substantial impact on the applicant's site plan; whereas, the modification is more routine.

Elizabeth Bock, representative for the owner/developer, provided the following information:

- The applicant operates about 70 storage units, mostly in California.
- In this industry it is typical to have a manager on site. This is usually someone who is retired or semi-retired. An additional employee is required to cover for the manager on days off, and to assist with day-to-day operations.
- The proposed housing is exceeding the square footage required by at least 20%; plus the developer has included a 536 square-foot garage, which is not required but creates a more livable situation.
- The developer is requesting a reduction since the proposed housing more accurately reflects the number of employees in this type of business.

Supervisor Bauer agreed that typically a business of this type only has two employees. Supervisor Farnetti said the request seems reasonable based on the type of facility; they are meeting the spirit of the regulation. Chairman Hazard said this request points out where adjustments need to be made; he agreed with the staff recommendation to take this action first. He expressed concern about the size of the smaller apartment since it can only accommodate one person; he suggested it should be a full-size apartment. Bock asked if the Board would prefer to see more housing space rather than a garage. Hazard said he would leave this to the Planning Department. Supervisor Farnetti said he was not concerned about the size of the second unit; because the position is not full-time, it will most likely attract an individual without a family. He liked the idea of a garage, and suggested reducing the size of the manager's housing in order to increase the size of the second unit. Hazard agreed with the idea of having two places of about equal size. Supervisor Bauer also agreed with Farnetti's suggestion, but said they shouldn't make the bigger unit too small of they may lose out on a family. Supervisor Hunt said the Planning Department could deal with this issue.

~ LUNCH RECESS ~

Break from 12:05 p .m. through 1:05 p.m.; reconvened at 1:05 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

COUNTY ADMINISTRATIVE OFFICER

- 15a)** Sierra Business Council Leadership Institute (**David Wilbrecht**)
ACTION: Approve Supervisor Bauer's request to attend the Sierra Business Council Leadership Institute; expenditure not to exceed \$2,544.
M07-193 (**Farnetti/Hunt, 3-0; Bauer abstain, Reid absent**)

David Wilbrecht, CAO, said Supervisor Bauer made this request at a previous Board meeting. The request raises a broader question about policy regarding Board training and attendance at conferences. The Board may want to discuss this issue during the budget hearings.

Supervisor Bauer pointed out that she doesn't attend RCRC, nor is she a member of the Rotary Club, so this is a broader question. Supervisor Farnetti said the Board has a travel budget and this leadership institute addresses valid issue. He said he supports the idea of having a Board member attend. He also agreed that the Board needs to discuss the broader issue during budget time. Supervisor Bauer said this training will help with issues in her district. Supervisor Hunt supported sending one Board member to trainings like this because it can benefit the entire Board. People who have attended this institute give very positive feedback about it and say it creates a good state networking opportunity. If the budget has funding available, he supports the request. Chairman Hazard said this Board has recognized the value of training for employees, and he agreed with the need for a policy debate about Board training. He supported the request and said he believes Supervisor Bauer will benefit from the training.

15b)

Walker Senior Center and IMAAA Update (David Wilbrecht)

ACTION: Receive updated information about issues concerning the Walker Senior Center and IMAAA relationship.

David Wilbrecht said he has been working closely with the Walker senior program, and he highlighted the following:

- The number of seniors in Mono County is increasing, and they need to pay attention to this group.
- The Walker program is provided by IMAAA, with power shared between Inyo and Mono Counties; 24% of the \$1.7 million budget is allocated to Mono County.
- Mono County is concerned about the delivery of services in northern Mono County.
- The program has four positions—site coordinator, cook, transportation, and homemaker.
- Earlier in July there was a problem with meal delivery.
- The Antelope Valley senior thrift shop is talking about improving accountability.
- Met with Inyo County and proposed that Mono County contract directly with IMAAA to provide services, which raised a question about scope of services. Should the County also have services in Benton?
- The discussion is moving forward; will continue talking with Inyo County. Employees for IMAAA are really employees for Inyo County, so this will not be an easy transition from one entity to the other.
- The Board will need to decide if they want to move more aggressively to build these services into the budget. If so, Health and Human Services seems to be the best place to put this function.
- The goal is to bring back agreements this fall.

BOARD OF SUPERVISORS

16a)

Approval of Transfer of Title Agreement for Real Property Located at 118 Lupin Street, Mammoth Lakes, California, from Mammoth Airport Center, LLC (**Scott Burns, Larry Johnston, Mark Magit**)

R07-55

ACTION: (1) Approve **Resolution R07-55** authorizing approval of an Agreement for Transfer of Title to Real Property between the County of Mono and Mammoth Airport Center, LLC. (2) Authorize the Chair of the Board of Supervisors to sign said Agreement. (3) Authorize the County Administrative Officer to execute all necessary documents to fulfill the terms and conditions of the Agreement including the certificate of acceptance.

M07-194

(**Bauer/Hunt, 4-0; Reid absent**)

Mark Magit, County Counsel's Office, said this is a follow-up item. In February, Mono County entered into an agreement wherein RESCO would provide a lot of land for County to use in housing mitigation efforts; RESCO later assigned its rights to Mammoth Airport Center. The matter before the Board is approval of an agreement to facilitate the transfer of title in real property.

Supervisor Hunt said he would like to see the Housing Authority move quickly to determine what can be done with this property so the County doesn't have to deal with maintenance issues; he asked that it be agendized soon.

Break from 1:21 p.m. through 1:26 p.m.; reconvened at 1:26 p.m.

16b) Federal Lands Designation Workshop (Stacey Simon)

ACTION: Follow-up workshop on Board Direction to review possibilities for public access/recreational designation for federal lands. Provide any desired direction to staff.

Stacey Simon, County Counsel's Office, presented information gathered since the public hearing of May 15th when the Board was asked to support a resolution urging Congress to establish a recreational designation for federal lands ("Semi-Primitive Roaded and Roadless Backcountry Area"). At the meeting in May, there was a lot of input from the public and amongst the Board. After the hearing, the Board asked for more information about the proposed designation and federal land designations in general, such as monument designations and wilderness designations, so the Board could make policy decisions about what to do at the local level. Simon then gave a PowerPoint presentation (a copy is on file in the Clerk's Office). Simon highlighted the following:

- County Counsel reviewed the materials prior to the May meeting. The term "semi-primitive" (along with other such designations) came from the recreation opportunities spectrum—information developed by university professors. This has been utilized by the BLM and the forest service as a tool. Due to the looseness of this spectrum, the descriptions are modified and used in various plans. Inyo uses the semi-primitive recreation definition, and has distributed brochures explaining the uses. Their use of the term is what motivated Dick Noles' group (AAPL) to come before the Board in May. There is not a single definition for this term, and it is open to interpretation. The concept is to create a new designation through federal legislation that could be applied to any federal lands.
- Reviewed legislation designating a variety of land uses; existing designations are applied in many different ways. For example, a national preserve may do one thing in Idaho and something different in California. These designations have more flexibility than the Wilderness Act.
- Reviewed existing designations that allow for some or all of the uses supported by proponents of a semi-primitive designation: National Conservation Area (BLM), National Recreation Area (BLM/FS), and Special Management Area (FS). These three designations offer flexibility. Specific areas reviewed in detail: Black Rock Desert and McInnis Canyons National Conservation Areas; Gauley River, Winding Stair Mountain, Big South Fork, Glen Canyon, and the proposed Sacramento River National Recreation Areas; and Greer Springs, Kings River and Kelly Butte Special Management Areas. Uses vary from area to area, and may be specifically defined in the legislation or referred to in a management plan. Management plans can't contradict federal legislation.

- It is important to be careful with the terminology used to be sure it reflects the intent. The desired characteristics of a Semi-Primitive Roaded and Roadless Backcountry Area designation would need to be determined. Although existing designations are flexible the problem with legislation is that you may not get what you want because at some point you lose local control.

Board Discussion

Chairman Hazard pointed out that the proponents want wording that gives a recreational designation a degree of permanency, similar to wording about wilderness areas; a national recreation designation would be more permanent. Simon said a semi-primitive designation would be less likely to be changed, unlike a designation as a management tool; but this is a political process. Hazard referred to the Hoover negotiations and said that document would provide some background about what should happen with a new designation.

Supervisor Bauer said the existing federal designations seem to be very land specific. Simon acknowledged that these designations are not rigid, and are applied on a case-by-case basis.

A member of the audience asked if the Board was planning to take action. Chairman Hazard said the Board is looking at various options; they are not considering a policy discussion. Marshall Rudolph, County Counsel, said the only action today would be to give direction to staff. Hazard suggested directing staff to formulate a Board position letter regarding lands in Mono County; they would then have tools in place.

Sally Miller, Wilderness Society, thanked the Board and staff for the workshop. She encouraged the Board to have more discussion and a follow-up workshop before making any conclusions. Supervisor Farnetti said with all the new information presented, he would like to get feedback from his constituents before drafting a letter supporting any concepts. Supervisor Hunt said he has heard from his constituents. He wants time to consider the new information presented, and believes the Board should maintain flexibility and allow for as many options as possible. The existing designations provide options. He thanked the staff for their work. Chairman Hazard said he thought the Board could pick up a term that would be viable for the County, and reiterated that at some point the Board should ask staff to help draft a policy letter.

Dave Willits asked the Board not to prematurely endorse a designation. Frank Stewart said the existing designations are not new tools, the Congressmen and Senators are well aware of them. But the Board is now more aware and in the future, will know what options are available. Lola Heeler agreed that the Board needs more information. Eric Meyer said a federal designation moves control out of local hands, but a management plan requires public input.

Supervisor Hunt said there is no need for specific action at this point. Supervisor Reid said it is difficult to make a designation of any type without seeing how it will apply on the land. He thought it would be a good idea to include the BLM and forest service in the discussion, along with people from McKeon's and Boxer's offices.

To clarify, Marshall Rudolph asked the Board if they want to continue this discussion at a later date, and invite the BLM, forest service, and congressional representatives to participate. The Board said yes.

Break from 2:48 p.m. through 2:58 p.m.; reconvened at 2:58 p.m.

BOARD OF SUPERVISORS AND ASSESSOR

17) Verbal Update and Status Report by the Assessor on His Office and Activities
(James Lovett)

M07-195 ACTION: Direct the County Administrative Officer to draft a letter, to be signed by the Chair, addressed to the Grand Jury, County of Mono, asking for an investigation of the Board's concerns with the Assessor's performance.
(Hunt/Bauer, 5-0)

James Lovett reported on the following:

- Regarding staffing, he has hired an appraiser that brings a wealth of information and knowledge to the office. He is currently recruiting for the positions of auditor and office manager; a hiring committee is in place and he should hire an office manager before too long.
- Responding to a question raised at the July 17th meeting about the Cino house, he said the enrollment was over \$20 million, which includes \$8 million escaped assessment in 2005, \$5 million in 2004, and \$1 million in 2003.
- Everything seems to be going well.

Board Discussion

Supervisor Farnetti asked about the appraiser position that was filled. Lovett said the person was hired as an Appraiser II, and has one year to complete the program to qualify as an Appraiser III. Supervisor Bauer asked how many meetings Lovett had with human resources about the new hire. Lovett said he met with HR a couple of times; one meeting was about the office manager.

Supervisor Farnetti said there is a rumor that Lovett's assistant is being relieved of supervisory duties and work assignments. Lovett said this is just a rumor; he and his assistant reviewed all his (the assistant's) projects to discuss responsibilities.

Supervisor Hunt expressed concern about Lovett not answering phone calls or getting voice messages in a timely manner. Lovett said he is trying to do better. Hunt also expressed concern that Lovett is not in the office enough. Lovett said he would spend more time in the office.

Supervisor Bauer asked Lovett if he is still living in Mono County. Lovett said he still has the same house and PO Box. Bauer asked if he is leaving for a good portion of the week. Lovett said yes. Bauer asked if he thought it was good for an elected official to be so blatant. Lovett said he is not comfortable being in Bridgeport because of rumors. His staff knows his schedule, which is Tuesdays, Wednesdays, and Thursdays. Lovett said he plans to work on the United States Pumice project himself. Bauer asked if he is out of the County Friday through Monday, to which Lovett responded yes. Bauer said she is not comfortable with the level of coverage in his office. Lovett said his office has supervision.

Chairman Hazard asked if Lovett is putting in more than one hour per day. Lovett said this morning he worked 8:30-11:30 a.m., and will be in office until 4:30 today. Hazard asked about last Tuesday, to which Lovett replied he worked about six hours. Hazard said other department heads give a definitive answer about their hours when they are asked; Lovett said they are under contract. Hazard suggested that Lovett cannot be accountable by floating in and out of the office. Lovett said he is accountable and that is why he is before the Board.

Supervisor Farnetti asked if Lovett only worked three days a week in previous positions. Lovett said no, he was not an elected official. Supervisor Bauer said when Lovett was hired as an employee, he worked full time; she asked Lovett if after he was elected he decided he no longer had to do so. Lovett said when he started, he was in most of the day; recently he thought he could use time off.

Chairman Hazard asked if the Sheriff's Office had been called recently in order to locate him. Lovett said yes, his daughter had called the Sheriff on the weekend. Hazard said Lovett's activities are impacting his office and now County resources (the Sheriff's Office). Lovett said a welfare check is a law enforcement duty; he talked with his daughter about this situation. Supervisor Hunt asked if Lovett had a drink in the past 24 hours. Lovett said he had a drink last night.

Chairman Hazard referred to an article in the paper and a statement Lovett made that three or four of the Supervisors indicated he should serve out his term. Lovett said this comment was made at the last meeting. Hazard said his comment had been that he hoped Lovett and his department would be successful, and he hoped to see Lovett performing the way he should. He added that Lovett made a lot of commitments to Supervisors Reid and Bauer, but his performance is not acceptable.

Regarding his residence, Lovett said he is not moving out of the County. Chairman Hazard said that is for the Grand Jury to decide, but Lovett's department is not functioning properly—it is in disarray, and Lovett is not doing his job as an elected official. Supervisor Farnetti said he hopes Lovett takes this matter seriously; the Board is not happy with his performance, and people in the County are not happy with his performance. This is a signal to get his "house in order"; Farnetti said he hopes Lovett uses this criticism wisely. Supervisor Hunt said several of his constituents are concerned, and he is concerned about the long-term ramifications. Lovett said his staff says he spends more time in the office than his predecessor.

Supervisor Reid said he wants Lovett to succeed, but Lovett needs to be clean, healthy and sober, and needs to show up for work. Lovett said he is sober. Reid asked Lovett if he would consent to a blood alcohol test at any time. Lovett said if the Board has proof of intoxication, he will do it at that time. Reid asked Lovett if he is giving the Board permission (to do a blood alcohol test), if they have reason to believe he's been drinking, and asked Lovett if he will take a random blood test. Lovett said yes, anytime they see him responding in an intoxicated manner, he will take a test. Reid asked about HBD (have been drinking); will he take a random blood test any time the Board has cause to believe he has been drinking (not intoxicated, but that he has had a drink and come to work)? Lovett said he would with the understanding (and he has had this conversation with the CAO and County Counsel) that he can have a drink during his lunch hour; he doesn't do it any more, but it is legal. Reid asked why he was doing it before. Lovett said it was a habit. Reid asked if this is not a habit anymore; Lovett said he didn't think so because he is taking medicine. Reid asked Lovett if he is taking Anabuse. Lovett said he did for about two weeks, but currently he is not.

Supervisor Reid said at the last meeting when Lovett addressed the Board, he said two of his retired employees said they will work during the transition of his office. Lovett said that is what the employees told him. Reid said he talked to these employees and they told him they would not come back to work. Reid referred to employee complaints filed with Local 39, and asked Lovett if he has apologized in writing yet; Lovett said not yet. Reid asked Lovett why he didn't do this immediately; Lovett said he can't answer that. Reid said Lovett is not attending to business. The good, hard-working people in his office have been intimidated, and Lovett hasn't apologized yet; this indicates that he is not taking care of business. Reid said Lovett told the Board he would give a written apology, and he hasn't fulfilled this commitment. Lovett said he just hasn't done it yet. Reid said Lovett told the Board he would write a letter of apology to Reid, and asked if Lovett had written that

letter. Lovett said he will do it. Reid asked when; Lovett said soon. Reid said these are two commitments Lovett didn't fulfill.

In reference to Lovett's office hours, Reid said Lovett talked about spending more time in the office but he is taking off Fridays and Mondays and only working Tuesdays through Thursdays; Reid said Lovett is only doing a "walk through." Lovett reiterated that he was in the office from 8:30-11:30 this morning, and has chosen a schedule of Tuesdays through Thursdays. Reid asked if Lovett thought it was fair to taxpayers for him to work only three days a week. Lovett said he is working as he witnessed was done in the past.

Supervisor Reid said there is a rumor that Lovett took away Bob Musil's work and sent him home. Lovett said he did send Musil home because of a disruption. Reid asked if Lovett took away any duties, and would he swear under oath. Lovett indicated he would swear under oath, and he reiterated that Musil brought a list to him of everything he is working on, and asked Lovett if he wanted changes. They sat in Lovett's office and reviewed each assignment; nothing was taken away from Musil.

Supervisor Reid referred to a meeting with himself, the Board Chair, County Counsel and the CAO, in which Lovett voluntarily stated that he had an asking price; Reid asked Lovett what he meant. Lovett said people in the County and in state assessors offices have told him "not to let them do to you what they did to the previous assessor"; Lovett said jokingly that he has an asking price. Reid asked if this was joking or serious. Lovett said he treated it as a joke all along. Reid said Lovett scribbled his asking price on a piece of paper. Lovett said he was asked a question: how would you compute your price? Reid asked Lovett if he wants to be bought out. Lovett said not necessarily. Reid asked if Lovett is behaving this way because he thinks the Board will buy him out. Lovett said no; Reid asked Lovett why he brought it up. Lovett said he had been told "not to let them do what they did to Glen". Reid said Lovett brought it up for a reason.

Reid asked Lovett if he felt it was appropriate for an elected official to live in Nevada a majority of time. Lovett said he does not live in Nevada, he has not established residency there. Reid said Lovett stays in Nevada Friday through Monday; Lovett said he is taking a weekend and camping in his motor home.

Supervisor Bauer said Mono County is not being served well by Lovett, and she is sorry she supported his election; she wished she had known how egregious his behavior could be. Lovett said he hopes she'll have a different opinion by end of his term. Chairman Hazard said Lovett's behavior has deteriorated; a month ago the police were not out looking for him. Lovett reiterated that his daughter was concerned. Hazard said the citizens of the County deserve better. Lovett said he intends to do better. Hazard said he'd better get on the stick.

ADJOURNMENT @ 3:58 p.m.

Adjourned in honor of officer Scott Russell of the California Highway Patrol who recently lost his life in the line of duty in the Placerville area. Officer Russell served as a Mono County C.H.P. officer and married a local young lady, Lyn McCourtney, who at the time was a public safety officer in Mono County. Lyn's mom and dad, Nan and Dan, both worked for Mono County. Our deepest regards go out to family and friends.

Mono County Board of Supervisors next regular session will be on **August 14, 2007**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

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